Management Board minutes
Monday 5 November 2018

Members and other attendees present

Paul Arnold (Chair)	Deputy Chief Executive Officer
Ailsa Beaton	Non-executive Director
David Cooke	Non-executive Director
Elizabeth Denham	Information Commissioner
James Dipple-Johnstone	Deputy Commissioner (Executive Director – Operations)
Jane McCall	Non-executive Director
Nicola Wood	Non-executive Director
Christopher Braithwaite	Senior Corporate Governance Manager (secretariat)

1. Introductions and apologies

1.1. Elizabeth Denham informed the Board that she had asked Paul Arnold to Chair this meeting.

1.2. There were apologies for absence from Steve Wood, who was unable to attend the meeting.

1.3. The Board welcomed Simon McDougall to his first Board meeting as Executive Director – Technology Policy and Innovation.

2. Declaration of interests

2.1. There were no declarations of interest.

3. Matters arising from the previous meeting

3.1. The minutes were confirmed as accurate. There were no outstanding actions.

4. Commissioner's introduction

4.1. The Commissioner highlighted issues of importance for the ICO since the last meeting of board members.

4.2. The Commissioner provided an update on the investigation into the use of data analytics in political campaigns. There continued to be significant interest in the *Democracy Disrupted?* reports, which had been published in July, and a further investigation update report would be published on 6 November. This would coincide with the Commissioner and James Dipple-Johnstone appearing before the DCMS Select Committee, with this appearance also expected to focus on internet harm regulation.

4.3. The Commissioner also updated the Board on the recent International Conference of Data Protection and Privacy Commissioners, which had taken place from 22nd to 25th October. The Commissioner had been elected as Chair of the Conference, for a two-year term. This provided an excellent opportunity for the ICO to have a key policy role on the international stage, which was particularly important in light of the UK's upcoming exit from the EU.

5. Discussion items

EU Withdrawal Planning

5.1. Paul Arnold provided an update which set out the work that the ICO had undertaken to plan for the UK's exit from the EU. This included information from the EU Withdrawal Planning Group, which had been meeting on a monthly basis for the previous 18 months.

5.2. The Board noted the risk of a significant increase in customer contact during the EU exit process, due to customer uncertainty. Paul Arnold explained that the ICO had anticipated this. Online resources were being developed which would help to minimise the uncertainty for data controllers. Contingency plans were being developed in the event of a significant increase in requests for advice.

Remuneration Advisory Panel

5.3. Paul Arnold provided an update on progress with establishing a Remuneration Advisory Panel. Comments on the Terms of Reference had now been received from the Trade Unions and finalised Terms of Reference document would be circulated shortly.

5.4. The Board agreed that:

- The Panel should meet three times a year;
- Nicola Wood (Chair) and David Cooke should serve on the Panel;
- The statement "the two Non-Executive Directors appointed to the Panel are appointed for the rest of their term" should be removed from the Terms of Reference.

Action: Paul Arnold to circulate the revised Terms of Reference of the Remuneration Advisory Panel, in line with the comments from the Board and Trade Unions.

Priority Case Update

5.5. This agenda item had been discussed during the Commissioner's Update item earlier in the meeting.

6. Risk and opportunity management

6.1. Paul Arnold introduced the risk and opportunity register, which had been considered by the Audit Committee at its October meeting. He explained that, at that meeting, the Audit Committee had requested that scenario planning take place to identify the impact if multiple red risks materialised in the same time period, but this had not yet been progressed.

Action: Paul Arnold to inform the Board of the principles which would be used for the risk register scenario planning exercise and the timescales for this exercise to be completed.

6.2. Paul Arnold also explained that, in light of current uncertainty, the target for the risk related to the EU Exit (R1) would be increased to amber.

Action: Paul Arnold to update the target for risk R1 to Amber.

7. Quarter two performance against the Information Rights Strategic Plan and the Resource and Infrastructure Strategic Plan

Performance against Information Rights Strategic Plan

7.1. The quarter two report on performance against the Information Rights Strategic Plan was presented for information and discussion.

7.2. The Board noted that Data Protection complaints received continued to be higher than the number of cases closed. The Board acknowledged that this was due to the

unprecedented number of complaints received (including a record number of complaints in October 2018). The Board thanked the Data Protection Casework Team for their excellent work to make significant productivity increases to cope with the significant increase in complaints.

7.3. James Dipple-Johnstone thanked the Board for their comments, and explained that, due to the productivity increases and redeployment of staff, he was anticipating that the number of cases closed would exceed the number of new complaints received in November.

7.4. In relation to Goal 2 of the IRSP ("Improve standards of information rights practice through clear, inspiring and targeted engagement and influence"), the Board was informed that the ICO would transition towards engagement and influence being theme- and issue-based, rather than sector-based. This work would be informed by a mapping exercise, which could be reported to the next Management Board meeting.

Action: Paul Arnold to submit a report on the mapping exercise to the next Management Board meeting.

Performance against Resource and Infrastructure Strategic Plan

7.5. The quarter two report on performance against the Resource and Infrastructure Strategic Plan was presented for information and discussion.

7.6. Paul Arnold reported that approval had been secured from the Government Property Unit to expand into Sandfield House. A lease was expected to be signed by the end of November. He confirmed that this allowed the ICO to have lease break clauses for each of its Wilmslow buildings in consecutive years.

7.7. Paul Arnold reassured the Board that where the report referred to potential savings in scaling back infrastructure plans, this was as a result of forecasted in-year costs being reduced, rather than delays in planned infrastructure activity.

8. Management accounts

8.1. The September 2018 financial report was presented for information. Paul Arnold informed the Board that record income had been received in October 2018, which was likely due to press coverage of enforcement action in relation to non-payment of fees.

8.2. Paul Arnold also explained that the DCMS consultation on exemptions from the payment of the Data Protection Fee had concluded, but the outcomes of this had not yet been

confirmed. It was expected that any amendments to the exemptions would be applied from spring 2019.

9. Any other business

9.1. There were no items of other business.